

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 2:18-cr-00477-WJ
)	
RAYMOND THOMAS CLARK)	

**MOTION TO REDUCE TERM
OF IMPRISONMENT TO TIME SERVED**

COMES NOW the United States of America, by the Director of the Federal Bureau of Prisons and through the undersigned Assistant United States Attorney, and respectfully moves the Court pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), to modify the term of imprisonment of the defendant, Raymond Clark, to time served. In support hereof, the United States and the Director of the Federal Bureau of Prisons state as follows:

On February 15, 2018, Mr. Clark pleaded guilty to Possession of a Firearm and Ammunition, in violation of 18 U.S.C. § 922(g)(1); and Possession with Intent to Distribute Heroin and Aiding and Abetting, in violation of 21 U.S.C. §§ 841(a)(1) & (b)(1)(C) and 18 U.S.C. § 2.

On November 15, 2018, the court sentenced Mr. Clark to a 130-month term of imprisonment followed by a 5-year term of supervised release.

Mr. Clark has a projected good conduct time release date of March 9, 2027.

Mr. Clark is 37 years old and has been diagnosed with stage IV colon cancer with metastasis to the liver and lungs. Due to the advanced stage and progression of his disease, he has discontinued treatment and is receiving hospice care. He is considered terminally ill with a life expectancy of only three months or less.

Mr. Clark plans to live with his wife and children in Las Cruces, New Mexico. The United States Probation Office for the District of New Mexico has approved this release plan.

Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), the Court, upon motion of the Director of the Federal Bureau of Prisons, may modify a term of imprisonment upon the finding that “extraordinary and compelling reasons” exist to warrant a reduction. Mr. Clark’s terminal medical condition and very limited life expectancy constitute “extraordinary and compelling reasons” warranting the requested reduction. If this Court grants this motion, the defendant would still be subject to supervision, as upon his release he would begin serving the five-year term of supervised release previously imposed by the Court.

WHEREFORE, it is respectfully requested that the Court reduce the term of imprisonment to the time Mr. Clark has now served.

Respectfully submitted,

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I HEREBY CERTIFY that I electronically filed the foregoing using the CM/ECF system which will send notification to defense counsel of record by electronic means.

Electronically Filed August 11, 2021
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